

REPORT TO THE DEPARTMENT OF JUSTICE
Regarding the Help America Vote Act of 2002

April 12, 2006

WYOMING

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Secretary of State

1 Tasks Since the Last Report

During the last two weeks, since our last report, we have met with many other state agencies in an effort to see what resources are available to us in order to continue toward implementation of a statewide voter registration system.

We met with the State ITD Director and his staff to discuss a timelier statewide voter registration database, duplicate checking, and possibilities of interfaces with other agencies. We also have met with key representatives of the Department of Transportation, Department of Health, Vital Records Division, and Division of Criminal Investigation.

At the suggestion of the Department of Justice (DOJ), we contacted the following states: Arizona, California, Maine, Nevada, and Washington.

2 Short Term Possibilities

We have two projects before us in our attempt to become fully HAVA compliant. First, we are attempting to put processes in place for a statewide voter registration system for 2006. Given the short timeframe and technological options available to us, the 2006 solution will not likely suffice as a long term solution. Therefore, the second project before us is to simultaneously consider long term options. This is discussed in Section 4 below.

In our last report, dated March 22, 2006, we listed nine (9) improvements which would attempt to bring Wyoming to full HAVA compliance:

Improvement 1: Statewide Voter Registration List:

As stated in our previous report, we currently have a statewide voter registration system which counties are statutorily required to upload to only once per year, and 30 days prior to the primary and general elections. In working with ITD, they have agreed to build a web interface to the current voter registration database which is housed on the state mainframe. We are currently contracting for individuals with programming expertise in FOCUS applications. Sufficient programming resources were not available through ITD since FOCUS is an old programming language. In addition, programmers must be hired to augment ITD's staff in order to accomplish the work required within such short timeframes.

Via the web interface, counties will be able to upload data from their current voter registration systems into this one statewide voter registration database. However, in order to do so, each county will need to modify their current voter registration application to create a data extract containing specific fields which are uniform for each county. It should be noted that some of the 23 counties do not have any IT support, especially rural

counties, and will need State assistance to contract for the technical help which they will need.

The frequency of uploading data from counties to the state voter registration system needs further discussion with the Department of Justice.

Improvement 2: Duplicate Record Checks:

In our previous report, we had hoped to be able to run duplicate record checks 60 days and 10 days prior to the Primary and General Elections and 60 days after each election. In working with ITD on the solution described in Improvement 1 above, we have found a way to conduct duplicate checks immediately upon upload of the county data. Any voter records which are found to have a possible duplicate will not be uploaded into the voter registration system. Rather, a message or report will be returned to the county with relevant information so the local jurisdiction can investigate further if appropriate and make a final determination regarding that voter record.

Improvement 3: Death Records:

As you will see below, there will likely be electronic solutions for the required interfaces with the Division of Criminal Investigation, the Department of Transportation, and the Social Security Administration. However, there is no viable interface for the short term with the Division of Vital Records. We had previously created an interface for the WyoReg project but it is not currently usable. A private provider supports the Division of Vital Records data and cannot reprogram an electronic interface in the amount of time available. Further, the Division of Vital Records is in the process of migrating their data from their current system to a new program thus making direct interfacing impossible at this time. Therefore another solution had to be determined.

In order to assure that current voter registration data does not include records of any individuals who are deceased, we are attempting to arrange for a one-time data extract of death records against which voter registration records will be matched. After that data check, the Division of Vital Records has agreed to provide an Excel extract of death records to the Secretary of State's Office monthly through June and then weekly from July through November. The Secretary of State's Office will then immediately forward the Excel death record data to the counties for voter registration record maintenance.

Improvement 4: Felon Checks:

After discussions with state ITD staff and DCI officials, it has been determined that an interface can be built in order to match voter registration records with DCI felon information. This match against available DCI felon record data will occur when the counties upload to the state voter registration system. Any voter records which are found to have a possible felon match will not be uploaded into the voter registration system. Rather, a message or report will be returned to the county with relevant information so the local jurisdiction can investigate further if appropriate and make a final determination regarding that voter record.

Improvement 5: Restoration of Voting Rights:

As stated in our previous report, under Wyoming law restoration of a felon's voting rights is granted by the Wyoming State Board of Parole. We are attempting to have the Board of Parole office submit a notice to the Secretary of State's office each time an individual's voting rights have been restored. We believe this is a realistic and reasonable solution since there is currently less than a dozen restoration of voting rights records and rights are restored infrequently. As we do receive any information pertaining to restoration of voting rights, that information will be immediately forwarded to the appropriate county.

Improvement 6: Drivers License – Social Security – Unique Identifier:

In our last report, we stated that we believed that interfacing with the Department of Transportation and Social Security Administration would be our greatest challenge. After discussions with state ITD staff and DOT administrators, we are pleased to report that it appears as if it will be possible to match voter registration information with drivers' license records. Additionally, we will be able to salvage the previous interface between the Department of Transportation and AAMVA to access social security information. All necessary arrangements have been made through AAMVA and SSA and, in fact, that interface was operable for a short period of time for the WyoReg project and continues to be available for the upcoming interface.

The state system which is being modified will be able to assign a unique identifier to each voter record. However, the ITD staff is unable to find a way, given the mainframe technology and programming, to have this unique identifier track with a voter record if that individual voter moves to another county. Once a long term solution is determined, we will provide that functionality.

Improvement 7: Statewide Voter Registration Application Form:

In an effort to bring more uniformity to the voter registration application process as promised in the previous report, a uniform voter registration application form and directive was issued to all counties on March 28, 2006. This action item has been completed.

Improvement 8: Expanded Absentee Voting:

As discussed in the previous report, a new law was recently implemented in Wyoming expanding absentee voting options. The Secretary of State's Office, with the assistance of the County Clerks Association, has written rules necessary for implementation of this statute. The rules are currently under review by the Wyoming Attorney General's Office and it is expected that they will be promulgated and in effect prior to the 2006 Primary Election.

Improvement 9: Definition of What Constitutes a Vote:

According to Wyoming Statute and the Wyoming State HAVA Plan, the Secretary of State is to promulgate rules addressing standards for counting ballots and uniform use of voting equipment; and designating what constitutes a vote.

Now that training on the newly purchased voting equipment is underway, the County Clerks Association and Secretary of State's Office have begun its work on writing the required rules.

In addition to having a statewide voter registration list, kept as accurate as possible through the checks outlined above, it is necessary to use that list as a basis for the conduct of the election. Since many counties have some form of election management capability which surpasses that which the State could build in such a short timeframe, it seems wise to let counties use that capability for the short term as long as the county databases and the statewide database are in sync. To assure this, for the purposes of the conduct of the election, counties will upload to the statewide database and reconcile all records prior to freezing both the county and state systems for the election. The State will then print and maintain the formal statewide voter registration list which shall be the official list for conduct of the election. The counties will use their portion of the official list (which resides at the local level) for printing of poll books, tracking of absentee ballots, and other election management activities. The exception to this will be the three counties who do not have a local system. For these counties, the state will provide poll book generation services.

Remember, Wyoming allows voters to register on election day. Therefore, following the election, voter registration applications will be entered into the county databases and updated to the statewide master list as described above.

Wyoming is continuing daily to act in good faith to implement all aspects of HAVA and to have as many requirements of a HAVA compliant voter registration system as possible in place for the 2006 election. However, in keeping with the purposes of HAVA, we have an obligation to protect the integrity of the election process. Therefore, we have made the decision that if the short term solution is not in place and stable by July 15, 2006, it should be placed on hold until after Wyoming's August 22nd Primary Election. The project will then resume after September 1st when canvassing, candidate filing periods, and recount periods have ended.

3 Contact with Other States

At the suggestion of the Department of Justice, we contacted the following states: Arizona, California, Maine, Nevada, and Washington. We found all states to very helpful and the discussions informative.

The key topics we culled from these discussions were:

- Suggestions regarding interim-solutions and long term plans;
- Separating voter registration and required reporting from other election management activities;
- Suggestions regarding duplicate checks and interfaces;
- Suggestions regarding the standardization of data uploaded from the counties; and
- Timing of data uploads and various record checks.

4 Options for Long Term Solution

After discussions with other states and Wyoming's ITD staff, it appears as if one long term solution, which should be investigated further, is providing a voter registration/election management system to counties, requiring that system to simultaneously record to the statewide official database, as well as a local database. For Wyoming, the advantage of such a plan is that it may solve some of the connectivity problems which we face in a state of such large geography and difficult terrain. One of our previous concerns, even with the WyoReg project, was the performance of a statewide system where both the application and data were housed at a central location. By housing only the database at a central location, previous performance concerns may be mitigated. A local copy of the database may also provide redundancy which could be necessary if weather conditions were to cause outages or interruptions during the election period. We are in the process of contacting major vendors to see what products may be available and we are also following-up with the State of Washington to possibly obtain their program.